

REMARKS

Applicants appreciate the courtesies extended to Applicants' representatives Brian Rothery and Arthur Antonelli during an interview with Examiner Ferko on August 7, 2002. The following comments are believed to accurately reflect the discussion during the interview concerning the Office Action and the references cited therein.

Applicants note that although the official filing receipt properly reflects the priority claim to previous application no. 09/704,688 filed November 3, 2000, the Examiner did not acknowledge the priority claim in the Office Action Summary. Applicants respectfully request acknowledgment from the Examiner.

Applicants also note that the Examiner did not initial two of the references on the revised Form PTO-1449 submitted on May 31, 2001. Applicants respectfully request that the Examiner complete and return an initialed, Revised Form PTO-1449 reflecting consideration of these references.

In addition, Applicants draw the Examiner's attention to the Office Action Summary, and in particular the section entitled "Disposition of Claims." The summary presented in this section is inconsistent with respect to the rejections in the "Detailed Action" section of the Office Action. Although the Examiner indicated in the Office Action Summary that claims 1-43 and 45-47 are rejected, only claims 1, 22, 34, 45, and 58 were rejected in the "Detailed Action." Should the Examiner consider the other claims rejected (i.e., 2-21, 23-33, 35-43, 46-57, and 59-77), then Applicants request suitable indication of such, in detail, in a non-final Office Action.

Claims 1-77 are presented for the Examiner's review and consideration. Applicants acknowledge the Examiner's indication that claim 44 is allowed. Claims 1, 22-25, 28-31, 34, and 45 have been amended without prejudice. No new matter has been added, as the amendments and additions are supported by the specification as originally filed.

In the Office Action, independent claims 1 and 34 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,199,865 to Liang ("Liang"). For the reasons which follow, Applicants respectfully submit that Liang does not anticipate claims 1 and 34.

Independent claim 1 has been amended without prejudice and recites a lighter comprising a housing having supply of fuel, an actuating member moveable to selectively ignite the fuel, the actuating member associated with the housing, and a moveable wand assembly associated with the housing and operatively associated with the actuating member such that when the wand assembly is in a first position, the wand assembly is capable of

Received from < > at 8/15/02 4:11:14 PM [Eastern Daylight Time]er to be immobilized sufficiently to prevent ignition of the fuel.

Claim 1 requires a moveable wand assembly operatively associated with the actuating member such that the wand assembly is capable of causing the actuating member to be immobilized sufficiently to prevent ignition of the fuel.

Liang is directed to a foldable safety lighter having a rotating nozzle and control knob. Liang discloses an actuating member (i.e., the control knob) a user can depress to ignite and release fuel. To operate the Liang lighter a user must first rotate the control knob before the control knob can be depressed to ignite and release the fuel. There is no operative association between the rotating nozzle and the control knob, such that the rotating nozzle is capable of causing the actuating member to be immobilized sufficiently to prevent ignition of the fuel. Liang may appear to show that access to the control knob by a user may be partially blocked by the rotating nozzle when the lighter is in the folded position. Liang, however, does not disclose, teach, or suggest a wand assembly operatively associated with the actuating member such that it is capable of causing the actuating member to become substantially immobilized. Thus, Liang does not anticipate independent claim 1, and allowance thereof is respectfully requested.

Independent claim 34 has been amended without prejudice to recite a lighter comprising, *inter alia*, a wand assembly movable between a closed position and an extended position, wherein the wand assembly is releasably positionable and releasably securable with respect to the housing in at least one predetermined intermediate position between the closed position and the extended position. Claim 34 has been amended to clarify that the wand assembly can be releasably secured with respect to the housing in at least one predetermined intermediate position.

In contrast, Liang teaches a nozzle that can rotate between an extended and closed position. Liang does not disclose releasably securing the position of the wand assembly with respect to the housing in at least one predetermined intermediate position, as required by amended claim 34. Accordingly, allowance of claim 34 is respectfully requested.

Independent claims 52 and 68 were rejected under 35 U.S.C. § 102(a or e) as being anticipated by U.S. Patent No. 6,213,759 to Sung ("Sung"). This rejection is respectfully traversed.

Independent claim 52 recites a lighter comprising, *inter alia*, a housing having a supply of fuel. . . and a conduit extending through the wand assembly and including a tube defining a channel for conveying the fuel from the supply to the nozzle, and a coiled wire received in the channel and electrically connected to the ignition assembly and the nozzle.

Sung, by contrast, does not describe or identify electrical connections for the ignition assembly, but a review of the Figures appears to indicate that the electrical connections between the spark generator and the spark gap at the nozzle tip are located outside the conduit for supplying fuel to the nozzle. Thus, Sung does not disclose, teach or suggest a tube defining a channel for conveying the fuel from the supply to the nozzle, and a coiled wire received in the channel and electrically connected to the ignition assembly and the nozzle as required by claim 52. Accordingly, allowance of claim 52 is requested.

Independent claim 68 recites a lighter comprising, *inter alia*, a housing assembly having a supply of fuel, a wand assembly associated with the housing assembly and having a nozzle, a conduit for transporting fuel from the supply to the nozzle. . . wherein the conduit contains a lead from the ignition assembly for igniting fuel at the nozzle.

Sung fails to disclose, teach or suggest a conduit for transporting fuel from the supply to the nozzle, wherein the conduit contains a lead from the ignition assembly for igniting fuel at the nozzle as required by claim 68. Thus, Applicants respectfully request that the above-identified rejection of claim 68 be withdrawn.

Claims 22 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of Sung. As discussed with the Examiner during the interview, amendments made to claims 22 and 45 were intended for clarification purposes, did not narrow the scope of the claims, and were unrelated to patentability. Accordingly, the amendments to claims 22 and 45 do not raise an estoppel. For the reasons which follow, Applicants respectfully submit that the cited references, either alone or in combination, do not disclose, teach or suggest the inventions of claims 22 or 45.

Independent claim 22 has been amended without prejudice and recites a lighter comprising a housing having a supply of fuel, an actuating member operable to selectively ignite the fuel, the actuating member associated with the housing, and a wand assembly pivotally coupled to the housing, wherein the wand assembly is moveable from a first position with a first wand-positioning-force and from a second position with a second wand-positioning-force, wherein the first wand-positioning-force is different than the second wand-positioning-force.

Claim 22 has been clarified to indicate more clearly that the high-wand-force position and low-wand-force position previously recited are directed toward the variable resistance to movement exhibited by the wand assembly.

Liang discloses a movable wand assembly (i.e., a rotating nozzle) but does not disclose, teach or suggest a wand assembly having variable resistance to movement. Sung

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movement such that a first force is necessary to move the wand assembly from one position and a second different force is necessary to move the wand assembly from another position as required by claim 22. Sung does not remedy the deficiencies of Liang. Accordingly, Applicants respectfully submit that the rejection of claim 22 should be withdrawn.

Independent claim 45 has been amended without prejudice and recites a lighter comprising, *inter alia*, a wand associated with the housing and moveable between a first position and a second position, wherein when the wand assembly is in the first position the actuating member requires a first actuating force to selectively ignite the fuel, when the wand assembly is in the second position the actuating member requires a second actuating force to selectively ignite the fuel. Claim 45 has been clarified to emphasize that the actuating member requires first and second actuating forces to selectively ignite the lighter.

As an initial matter, the Examiner acknowledged in the Office Action that, "Liang does not disclose. . . a first and second actuating force where the first is greater than the second." (Office Action, page 4, line 27 to page 5, line 6). It is Applicants position that the Examiner incorrectly asserted that Sung remedies this acknowledged deficiency of Liang.

In the Office Action the Examiner stated:

"Sung clearly illustrates a lighter having a housing. . . and an actuating member associated with the housing for selectively igniting the fuel. . . .Sung also discloses a first member position and a second member position where the first actuating force to the actuating member required is greater than the second actuating force to the actuating member which can be considered a high-wand-force position and a low-wand force position, as shown in column 5, lines 41-44." (*Id.*, page 4, line 25 to page 5, line 21) (emphasis added).

However, Sung at column 5, lines 41-44 teaches that "attempting to pull trigger 18 backward, before releasing trigger release button 38 will make it more difficult to release the trigger because of the force of the edge 52 of trigger flange 53 on abutment 50." (Sung, col. 5, lines 41-44) (emphasis added). As stated by Sung, "Abutment 50 prevents trigger 18 from being operated until release button 38 is pressed." (*Id.*, col. 5, lines 31-32) (emphasis added). Thus, the trigger release button in Sung may require different forces to operate but, contrary to the Examiner's argument, the trigger of Sung has only a single actuating force.

Sung does not disclose, teach or suggest a moveable wand assembly, or first a first actuating force to selectively ignite the fuel and second actuating force to selectively ignite the fuel. Thus, Sung does not remedy the deficiencies of Liang. Therefore, any combination of Liang and Sung fails to disclose, teach, or suggest the recitations of

independent claim 45. For these reasons, Applicants submit that the rejection of claim 45 should be withdrawn.

Independent claim 58 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung in view of Liang. For the reasons which follow, Applicants respectfully submit that the cited references, either alone or in combination, do not teach or suggest the claimed invention.

Independent claim 58 recites a lighter comprising, *inter alia*, a housing having a supply of fuel, . . . a wand assembly pivotally associated with the housing and having a nozzle . . . and at least one member fluidly connecting the supply to the nozzle, the at least one member electrically connected to the ignition assembly and the nozzle, wherein the wand assembly pivots about a pivot axis, and the at least one member is spaced from the pivot axis and extends at least partially through the wand assembly.

As described in the specification, "[a]ccording to yet another aspect of the present invention, a lighter includes at least one member fluidly that connects the fuel supply to the nozzle and electrically connects the ignition assembly to the nozzle." (Specification, page 4, lines 18-20).

As previously described with respect to claim 52 and claim 68, *supra*, Liang and Sung each appear to show a conduit for transporting fuel to the nozzle and an electrical circuit for igniting fuel at the nozzle, that is not associated with, received in, or part of the fuel conduit. Thus, Liang and Sung fail to show, teach or suggest at least one member fluidly connecting the supply to the nozzle and electrically connecting the ignition assembly and the nozzle as recited by claim 58. Accordingly, Applicants respectfully submit that the rejection of claim 58 should be withdrawn.

In view of the foregoing amendments and remarks, it is submitted that all rejections have been overcome and should be withdrawn. Thus, all claims are now in condition for allowance, early notice of which is requested.

A Petition for Extension of Time and a Third Information Disclosure Statement are submitted concurrently herewith.

Should any other fees be required, please charge such fees to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,



Date August 15, 2002

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Inventor: P. ADAMS *et al.*

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For: MULTI-MODE LIGHTER

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APPENDIX A**MARKED UP VERSION OF CLAIMS**

Claims pending in the application: 1-77

Claims allowed: 44

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1. (Amended) A lighter comprising:
a housing having a supply of fuel;
an actuating member moveable to selectively ignite the fuel, the actuating member associated with the housing; and
a moveable wand assembly associated with the housing and operatively associated with the actuating member such that when the wand assembly is in a first position, the wand assembly is capable of causing the actuating member [is] to be immobilized sufficiently to prevent ignition of the fuel.
22. (Amended) A lighter comprising:
a housing having a supply of fuel;
an actuating member operable to selectively ignite the fuel, the actuating member associated with the housing; and
a wand assembly pivotally coupled to the housing, wherein the wand assembly [has a high-wand-force position] is moveable from a first position with a first wand-positioning-force and [a low-wand-force position] from a second position with a second wand-positioning-force, wherein the first wand-positioning-force is different than the second wand-positioning-force.
23. (Amended) The lighter of claim 22, wherein a pivoting force applied to a point on the wand assembly and sufficient to pivot the wand assembly is greater in the [high-wand-force] first position than in the [low-wand-force] second position.

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24. (Amended) The lighter of claim 22, further including a cam follower operatively associated with the housing and including a first engaging portion, wherein the wand assembly includes a second engaging portion, and in the [high-wand-force] first position the first and second engaging portions contact.

25. (Amended) The lighter of claim 24, wherein in the [low-wand-force] second position, the first and second engaging portions are out of contact.

28. (Amended) The lighter of claim 22, wherein the wand assembly is pivotable between a closed position and an extended position, and the [high-wand-force and low-wand-force positions] first and second positions are located between the closed position and the extended position.

29. (Amended) The lighter of claim 22, wherein the wand assembly is slidable between a closed position and an extended position, and the [high-wand-force and low-wand-force positions] first and second positions are located between the closed position and the extended position.

30. (Amended) The lighter of claim 22, wherein in the [high-wand-force] first position the wand assembly is in an extended position, and in the [low-wand-force] second position the wand assembly is in a closed position.

31. (Amended) The lighter of claim 22, wherein in the [high-wand-force] first position the wand assembly is in a closed position, and in the [low-wand-force] second position the wand assembly is in an extended position.

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34. (Amended) A lighter comprising:
a housing having a supply of fuel;
an actuating member operable to selectively ignite the fuel, the actuating member associated with the housing; and
a wand assembly movable between a closed position and an extended position, wherein the wand assembly is releasably positionable and releasably securable with respect to the housing in at least one predetermined intermediate position between the closed position and the extended position.

45. (Amended) A lighter comprising:
a housing having a supply of fuel;
an actuating member moveable to selectively ignite the fuel, the actuating member associated with the housing; and
a wand associated with the housing and moveable between a first position and a second position,
wherein when the wand assembly is in the first position the actuating member requires a first actuating force to selectively ignite the fuel, when the wand assembly is in the second position the actuating member requires a second actuating force to selectively ignite the fuel, and the first actuating force is greater than the second actuating force.